



Alternatively, Plaintiffs and Settling Defendants seek an extension of time to file objections pursuant to Federal Rule of Civil Procedure 6(b)(1)(B).

The pending settlement respecting the Settling Defendants was discussed at a hearing on November 9, 2023. Among other things discussed, the parties understood that the Court would grant additional time to make objections to the Order and Proposed Findings and Recommendation filed by the Honorable Omar J. Aboulhosn [ECF No. 774] if the settlement was not approved. The Court directed the parties to submit a proposed schedule setting deadlines for case events leading to adjudication of the matter.

On November 13, 2023, the Plaintiffs and the Settling Defendants submitted a proposed Order Establishing Resolution Deadlines [ECF No. 818]. The proposed Order provided that, if the Court does not approve the settlement, Sandy, Jividen, Douglas, and Marshall will have fourteen (14) days from the date that the Court denies the motion for approval of the settlement to file objections to Magistrate Judge Aboulhosn's Order and Proposed Recommendations [ECF No. 774]. [ECF No. 818 at 3–4].

On November 15, 2023, the Court entered its Order [ECF No. 821]. The Order directed that “to the extent approval is withheld, new deadlines will be set for motion practice and objection periods as necessary.” [ECF No. 821 at 3]. Plaintiffs and the Settling Defendants seek clarification to confirm that the Court's use of the plural “objection periods” in the Order entered on November 15 is intended to include a new period for objections to the Order and Proposed Findings and Recommendation [ECF No. 774].

Good cause exists for the requested clarification because, as part of the settlement negotiations, Plaintiffs agreed to withdraw their motion for sanctions among other things. Plaintiffs and Settling Defendants further agreed that, if the Court did not approve the settlement, Settling

Defendants should have additional time to file objections to Magistrate Judge Aboulhosn's Order and Proposed Recommendations [ECF No. 774].

Moreover, if the Court did not intend the use of the plural "objection periods" to include a new period for objections to the Order and Proposed Finding and Recommendation [ECF No. 774], then Plaintiffs and Settling Defendants submit that there has been excusable neglect and seek an extension of time for Settling Defendants to file objections pursuant to Rule 6(b)(1)(B).

WHEREFORE, Plaintiffs and Settling Defendants respectfully request the Court to grant this motion and enter an Order that clarifies that to the extent approval of the settlement is withheld, new deadlines will be set for objections to Magistrate Judge Aboulhosn's Order and Proposed Recommendations [ECF No. 774]. Alternatively, Plaintiffs and Settling Defendants request the Court to grant an extension of time for Settling Defendants to file objections.

Jointly submitted this 28th day of November 2023.

/s/ Stephen Paul New/AMS

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

**MICHAEL D. ROSE, *et al.*,**

**Plaintiffs,**

**v.**

**JEFF S. SANDY, *et al.***

**Defendants.**

**Civil Action No.: 5:22-cv-00405  
Honorable Frank W. Volk**

**CERTIFICATE OF SERVICE**

I certify that on this 28th day of November, 2023, I filed the foregoing “**Joint Motion for Clarification of Order or Alternative Relief**” via the CM/ECF system, which will send a notification to all counsel of record.

/s/ Amy M. Smith